

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**ZAZZALI, FAGELLA, NOWAK,  
KLIEINBAUM & FRIEDMAN**

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Attorneys for Defendant,  
Camden Education Association

**DELORES GRAY,**

**Plaintiff(s)**

**vs.**

**CAMDEN CITY BOARD OF EDUCATION,  
CAMDEN EDUCATION ASSOCIATION &  
ANNETTE KNOX, STANLEY WHITE &  
BETTY HERRING, JANE & JOHN DOES 1  
through 10, agents/employees of the  
CAMDEN CITY BOARD OF EDUCATION**

**Defendant(s).**

**Hon. Freda L. Wolfson, U.S.D.J.**

**Civil Action No. 1:05-cv-1778(FLW)**

**Civil Action**

**ORDER GRANTING IN PART AND  
DENYING IN PART DEFENDANT'S  
MOTION TO DISMISS PURSUANT  
TO RULE 12(b)(6)**

**THIS MATTER** having been brought before the Court on motion by Zazzali, Fagella, Nowak, Kleinbaum & Friedman, attorneys for the defendant, Camden Education Association ("CEA"), and Ronan, Tuzzio & Giannone, attorneys for the defendant, Camden City Board of Education ("Board"), for an Order of the Court dismissing the plaintiff's complaint <sup>portion</sup> or ~~part~~ thereof against both the CEA and Board pursuant to *Fed. R. Civ. Pro.* 12(b)(6) for failure to state

claims upon which relief may be granted; and Vera McCoy, Esq., appearing for the plaintiff in opposition thereto, and the court having considered the moving papers and plaintiff's opposition thereto; and the Court having heard oral argument with respect to said motions on November 22, 2005; *and for the reasons stated on the record that day;* and good cause having been shown;

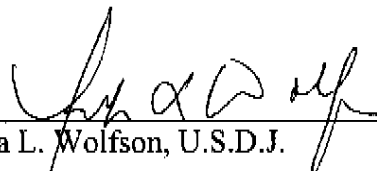
IT IS on this 13<sup>th</sup> day of December 2005;

**ORDERED** that:

1. Counts One and Four of the Plaintiff's Amended Complaint, alleging causes of action pursuant to Title VII to the Civil Rights Act of 1964 and the Americans with Disabilities Act, are hereby dismissed with prejudice as to both the CEA and the Board;
2. Count Three of the Plaintiff's Amended Complaint, alleging a cause of action for aiding and abetting discrimination in violation of the New Jersey Law Against Discrimination against the CEA, is hereby dismissed with prejudice;
3. To the extent Count Two of the Plaintiff's Amended Complaint alleges a cause of action against the Board, same is hereby dismissed as to the Board with prejudice;
4. The CEA's application to dismiss Count Two of the Plaintiff's Amended Complaint, alleging a breach by the CEA of its state law duty of fair representation, is hereby denied without prejudice subject to paragraph 5 below;
5. Discovery and all other proceedings relating to the Second Count of the Plaintiff's Amended Complaint are hereby stayed pending the decision by the United States Court of Appeals for the Third Circuit on interlocutory review of Judge Debevoise's June 7, 2004 opinion in Farber v. City of Paterson, 327 F. Supp. 2d.401 (D.N.J. 2004); and

6. Upon decision by the Third Circuit Court of Appeals in Farber, the CEA may renew its motion to dismiss Count Two of the Plaintiff's Amended Complaint and the Plaintiff may move before this Court for leave to amend Count Two of her Amended Complaint to the extent that she can do so consistent with the requirements of Rule 11 of the Federal Rules of Civil Procedure;

7. The scheduling/case management order may be modified by the Magistrate Judge to take into account the provisions of this order.

  
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Freda L. Wolfson, U.S.D.J.